

Senate File 362 - Enrolled

Senate File 362

AN ACT

BARRING CLAIMS AGAINST FAIRS FOR DAMAGES ARISING OUT OF THE
TRANSMISSION OF PATHOGENS FROM CERTAIN ANIMALS HOUSED ON THE
FAIRGROUNDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 673.1, Code 2017, is amended by adding
the following new subsections:

NEW SUBSECTION. 5A. "*Domesticated animal pathogen*"
or "*pathogen*" means a microorganism, biological agent, or
toxin causing disease, illness, or death to a human, if
the microorganism, biological agent, or toxin is primarily
transmitted by human contact with a domesticated animal, manure
from a domesticated animal, or other excretions or body fluids
from a domesticated animal.

NEW SUBSECTION. 5B. "*Domesticated animal premises*" or
"*premises*" means a location under the management or control of a
domesticated animal activity sponsor where domesticated animals
are regularly kept for three or more consecutive hours.

NEW SUBSECTION. 6A. "*Fair authority*" means the Iowa state fair authority established in section 173.1 or a fair as defined in section 174.1.

NEW SUBSECTION. 6B. "*Fairgrounds*" mean real estate under the management or control of a fair authority, including land, buildings, and improvements, and which includes but is not limited to areas reserved for domesticated animal events or domesticated animal activities.

Sec. 2. NEW SECTION. 673.4 **Fairs — domesticated animal premises — liability.**

1. A fair authority is not liable for damages arising from a claim by a participant or spectator alleging injury or death caused by a domesticated animal pathogen transmitted at a domesticated animal premises located on its fairgrounds. This subsection applies regardless of whether a domesticated animal is present on the domesticated animal premises, when the domesticated animal pathogen is transmitted, or whether a domesticated animal present on the domesticated animal premises is engaged in a domesticated animal activity.

2. Subsection 1 does not apply to the extent that the participant or spectator proves that the fair authority failed to post a warning sign at a conspicuous place at the domesticated animal premises as required in section 673.5.

Sec. 3. NEW SECTION. 673.5 **Warning sign — notice.**

A fair authority shall post a warning sign at a conspicuous place on any domesticated animal premises located on the fairgrounds. The warning sign shall be clearly visible to a person visiting the premises for the first time. The sign shall have a white background and the sign's notice shall be printed in black letters a minimum of one inch high in the following form:

WARNING

DOMESTICATED ANIMAL PREMISES

Under Iowa Code chapter 673, the fair is not liable for a domesticated animal pathogen transmitted from this domesticated animal premises. Take necessary sanitary precautions including by not touching your face or consuming food or water until thoroughly cleansing and drying your hands after your visit. As soon as possible after your visit, thoroughly cleanse your

hands using an appropriate soap and water and thoroughly dry them after cleansing.

JACK WHITVER
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 362, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2017

TERRY E. BRANSTAD
Governor